

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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|----------------------------|---|----------------------|
| MARIO LACY, |) | |
| Plaintiff, |) | C.A No. 04-11492-REK |
| |) | |
| v. |) | |
| |) | |
| |) | |
| WILLIAM J. FEENEY, KENNETH |) | |
| HEARNS, JEAN MOSES |) | |
| ACLOQUE, |) | |
| and the CITY OF BOSTON, |) | |
| Defendants. |) | |
| |) | |

PLAINTIFF'S REQUEST FOR VOIR DIRE QUESTIONS

Now comes the plaintiff, and moves that all the prospective jurors undergo individual voir dire as to the following questions in order to determine if they are unbiased jurors. Pursuant to such examination, the plaintiff moves that the following brief statement of facts of the case be put to the jurors.

FACTS

In this case plaintiff alleges that defendant police officers subjected him an illegal strip search and an illegal search of his anal cavity. Plaintiff further alleges that the City of Boston is liable for tolerating a custom of deliberate indifference to the rights of its citizens by tolerating a custom of illegal strip searches during drug investigations without warrants. Plaintiff also alleges that he was subjected to an unreasonable use of force by the defendants. He further alleges that the City of Boston is liable for tolerating the use of such force.

Defendant denies these allegations.

VOIR DIRE QUESTIONS

1. Have you, any members of your family, or any close friends ever held a job in law enforcement?
2. Have you, any member of your family, or close friends been employed by or worked for the City of Boston? If so, who, when, and in what capacity?
3. Do you believe that police officers receive any kind of special training about how they testify in court? If yes, what kind of training? How do you think that training affects how they present themselves as witnesses?
4. This case involves a claim by the plaintiff that the defendant police officers conducted a strip search and an anal cavity search of the plaintiff. Is there anything about these allegations which would prevent or make it difficult for you to be a fair and impartial juror?
5. There may be testimony that the plaintiff had previous contact with the police. Do you believe that someone is less credible simply because they have been arrested and/or convicted in the past.
6. There will be testimony that plaintiff had a serious drug problem. Would this affect your ability to consider and decide this case fairly to all parties based solely upon the evidence at trial?
7. This case is brought by a private citizen against members of the Police Department. Do you feel that citizens who believe they have been treated wrongly have a right to bring suit against police officers?

8. If, after hearing the evidence and the instructions of the judge, you found that a police officer had violated plaintiffs' rights, would anything cause you to hesitate to make him pay money damages to the person suing him? If so, what?
9. If you were selected as a juror in this case, do you know of any reason why you could not sit as an impartial juror?
10. Do you feel that a person should be compensated for emotional distress that another person wrongfully causes him or her?
11. If the judge were to instruct you that such compensation was proper under the law, would you have any hesitation about making such an award if the evidence warranted it?
12. Do you belong to any veterans' organizations? If so, which one and how frequently do you attend meetings or functions?

Plaintiff Mario Lacy
By his attorneys,

//s// Jessica D. Hedges
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CERTIFICATE OF SERVICE

I, Jessica D. Hedges, hereby certify that, on this the 7th day of April, 2006, I have caused to be served a copy of this document, where unable to do so electronically, on all counsel of record in this matter.

//s// Jessica D. Hedges
Jessica D. Hedges